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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,022	07/06/2001	Yukitoshi Takeuchi	35.C15547	3535
5514	7590	02/22/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			THOMPSON, JAMES A	
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NEW YORK, NY 10112			PAPER NUMBER	

2624

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,022

Applicant(s)

TAKEUCHI ET AL.

Examiner

James A Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-4 and 13/1-13/4 are rejected under 35 U.S.C. 102(a) as being anticipated by Lee (US Patent 6,233,426 B1).

Regarding claim 1: Lee discloses a cover of an image reading apparatus (figure 4 of Lee) comprising a cover member (figure 4(46) of Lee) for covering an original placed on an original stand (column 3, lines 61-64 of Lee); and a hinge member (figure 4(44) and column 3, lines 38-40 of Lee) having one end thereof pivotally supported by said cover member (column 4, lines 5-8 of Lee) and having the other end thereof mounted on and pivotally supported by said original stand (column 3, lines 58-60 of Lee). The two articulating links (figure 4(44) of Lee) comprise the overall hinge member.

Regarding claim 2: Lee discloses that said hinge member is pivotally supported by other area (figure 4(32) of Lee) than an end portion of said cover member (column 3, lines 24-27 and column 4, lines 48-51 of Lee). Said hinge member is supported by the recessed region (figure 4(32) of Lee) which comprises an opening (figure 4(40) and column 3, lines 24-27 of Lee) into which the starter (figure 4(52) of Lee) is pivotally inserted, and is thus supported (column 4, lines 48-51 of Lee), said

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started being a portion of the overall hinge member (column 3, lines 41-44 of Lee).

Regarding claim 3: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 4: Lee discloses that at least one of said cover member and said hinge member is provided with a restricting portion (figure 3(76) of Lee) for restricting the pivotally movable range of said cover member with respect to said hinge member (column 4, lines 35-39 of Lee).

Regarding claim 13/1: Lee discloses the cover recited in claim 1, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/2: Lee discloses the cover recited in claim 2, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/3: Lee discloses the cover recited in claim 3, the arguments of which are incorporated herein; and

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image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/4: Lee discloses the cover recited in claim 4, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-6, 7/5-7/6, 8/5-8/6, 9/5-9/6, 10-12, 13/5-13/6, and 13/10-13/12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (US Patent 6,233,426 B1) in view of Fujitaka (US Patent 5,541,712).

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Regarding claim 5: Lee does not disclose expressly a biasing member for biasing said cover member in a direction in which said cover member is opened with respect to said hinge member.

Fujitaka discloses a biasing member (figure 3(40) of Fujitaka) for biasing said cover member (column 10, lines 10-14 of Fujitaka) in a direction in which said cover member is opened (column 10, lines 1-10 of Fujitaka).

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the biasing member taught by Fujitaka as part of the overall apparatus taught by Lee. Since said cover member is attached to said hinge member in the apparatus of Lee, said biasing member would bias said cover member in a direction in which said cover member is opened with respect to said hinge member. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 5.

Regarding claim 6: Lee does not disclose expressly a biasing member for biasing said cover member in a direction for restricting a rotation of said cover member with respect to said hinge member by said restricting portion.

Fujitaka discloses a biasing member (figure 3(40) of Fujitaka) for biasing said cover member (column 10, lines 10-14 of Fujitaka) in a direction for restricting a rotation of said

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cover member (column 10, lines 1-10 of Fujitaka). Said biasing member provides force in one direction, and thus aids rotation in one direction and restricts rotation in the opposing direction.

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the biasing member taught by Fujitaka as part of the overall apparatus taught by Lee. Since said cover member and said hinge member are connected in the apparatus of Lee, the rotation of said cover member would be restricted with respect to said hinge member by said restricting portion. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 6.

Further regarding claims 7/5-7/6: Fujitaka discloses that said biasing member is a torsion coil spring (column 10, lines 10-11 of Fujitaka).

Further regarding claims 8/5-8/6: Fujitaka discloses that said biasing member is a flexible metal wire material or a flexible band-shaped member (column 10, lines 10-11 of Fujitaka). A torsion coil spring (column 10, lines 10-11 of Fujitaka) is, by definition, constructed from flexible metal wire material.

Further regarding claims 9/5-9/6: Fujitaka discloses that said biasing member is a portion of said cover member (figure 2

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(34) of Fujitaka) or said hinge member (column 8, lines 8-13 of Fujitaka). As can clearly be seen in figure 2 of Fujitaka, said biasing member is a portion of said cover member.

Regarding claim 10: Lee does not disclose expressly that said cover member is biased in a direction in which said cover member is opened with respect to said hinge member and is biased in an axial direction of a rotary shaft, by biasing means.

Fujitaka discloses biasing said cover member (column 10, lines 10-14 of Fujitaka) in a direction in which said cover member is opened (column 10, lines 1-10 of Fujitaka) and biasing said cover member in an axial direction (column 10, lines 1-4 and lines 10-14 of Fujitaka) of a rotary shaft (figure 2(38) of Fujitaka), by biasing means (figure 3(40) of Fujitaka).

Lee and Fujitaka are combinable because they are from the same field of endeavor, namely devices for covering the platen of an image scanning device and securing the document to be scanned. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include the biasing member taught by Fujitaka as part of the overall apparatus taught by Lee. Since said cover member is attached to said hinge member in the apparatus of Lee, said biasing member would bias said cover member in a direction in which said cover member is opened with respect to said hinge member. The motivation for doing so would have been to compensate for the effects of the weight of large, thick media that is to be scanned (column 10, lines 1-4 of Fujitaka). Therefore, it would have been obvious to combine Fujitaka with Lee to obtain the invention as specified in claim 10.

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Regarding claim 11: Lee discloses that said cover member has its pivotally movable range restricted with respect to said hinge member (column 4, lines 35-39 of Lee).

Further regarding claim 12: Fujitaka discloses that said biasing member is a torsion compression coil spring (column 10, lines 10-14 of Fujitaka). The torsion coil spring (figure 2(40) of Fujitaka) operates based on the amount of compression applied (column 10, lines 10-14 of Fujitaka) and is therefore a torsion compression coil spring.

Regarding claim 13/5: Lee discloses the cover recited in claim 5, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/6: Lee discloses the cover recited in claim 6, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/10: Lee discloses the cover recited in claim 10, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading

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image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/11: Lee discloses the cover recited in claim 11, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Regarding claim 13/12: Lee discloses the cover recited in claim 12, the arguments of which are incorporated herein; and image reading means (figure 4(20(portion)) of Lee) for reading image information of an original placed on an original stand (column 3, lines 12-18 of Lee). Although the overall disclosure of Lee is largely concerned with the design of the cover of the scanning apparatus, the rest of the scanning apparatus, including image reading means, is clearly part of the overall device (column 3, lines 12-18 of Lee).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A Thompson whose telephone number is 703-305-6329. The examiner can normally be reached on 8:30AM-5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Thompson
Examiner
Art Unit 2624

JAT
09 February 2005



THOMAS D
~~LEE~~ LEE
PRIMARY EXAMINER